

Application Serial No. 10/657,311
Amendment dated September 21, 2004
Reply to Office Action dated August 23, 2004

REMARKS

Claims 2-17 are pending. Claims 8-13 have been allowed. Claim 1 has been canceled. Claims 14-17 have been added. Claims 4-6 have been objected to.

The Examiner rejected Claims 1-3 and 7 as being anticipated by U.S. Patent No. 5,772,411 to Crum et al. ("Crum et al. '411").

Crum et al. '411 discloses a vertical scroll compressor 10, shown in Fig. 1, with hermetic shell 11 including middle shell 14 having an inlet opening 52. Fixed scroll 22, orbiting scroll 30, and frame 40 are positioned within hermetic shell 11 of scroll compressor 10, and sleeve 46 depends downwardly from frame 40. Motor stator 44 is fixed within sleeve 46. Referring to Figs. 1 and 3-6, frame 40 includes openings 92 therein, which are positioned above the upper edge of frame 46, with openings 92 axially spaced some distance from inlet opening 52 in middle shell. In operation, gas enters inlet opening 52 and initially passes downwardly between sleeve 46 and middle shell 14, and thereafter passes upwardly through a number of passages between stator 44 and sleeve 46, and thence through openings 92 in frame 40 into the inlet between fixed scroll 22 and orbiting scroll 30.

Responsive to the Examiner's indication that Claims 4-6 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims, Applicants have rewritten each of Claims 4-6 in independent form, and respectfully submit that Claims 4-6, as well as Claims 2, 3, and 7 which depend from Claim 4, are now in condition for allowance.

For the reasons discussed below, Applicants respectfully submit that new independent Claims 14 and 16, as well as dependent Claims 15 and 17 which depend therefrom, are patentable over Crum et al. '411.

Independent Claim 14 calls for a compressor assembly including a housing defining an interior plenum and having an inlet opening, a crankcase fixed within the housing and including a shield portion having an aperture substantially aligned with the inlet opening, and a baffle member secured to the crankcase over the aperture and positioned proximate the inlet opening.

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By contrast, in scroll compressor 10 of Crum et al. '411, apertures 92 in frame 40 are positioned axially upwardly some distance with respect to inlet opening 52 in middle shell 14. Additionally, although sleeve 46 appears to be secured to frame 40, sleeve 46 is not secured to frame 40 over any of apertures 92.

New independent Claim 16 calls for a compressor assembly including a crankcase having a shield portion defining an aperture, and a baffle member secured to the crankcase, at least a portion of the baffle member positioned within the aperture.

By contrast, in scroll compressor 10 of Crum et al. '411, sleeve 46 is not positioned within any of the apertures 92 of frame 40.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

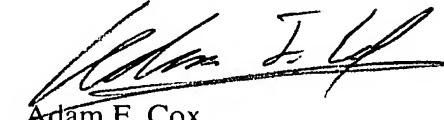
In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefore and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, she is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: September 21, 2004

ADAM F. COX, REG. NO. 46,644

Name of Registered Representative



Signature

September 21, 2004

Date